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# **NRC Regulatory Agenda**

**Semiannual Report  
July – December 2007**

# **NRC Regulatory Agenda**

## **Semiannual Report July – December 2007**

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# Preface

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The Regulatory Agenda is a semiannual compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition.

## Organization of the Agenda

The agenda consists of two sections that have been updated through December 31, 2007. Section I, "Rules," includes (A) rules on which final action has been taken since June 30, 2007, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since June 30, 2007; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules, and (D) petitions pending staff review.

In Section I of the agenda, the rules are aligned numerically with the parts of Title 10, Chapter I, of the Code of Federal Regulations (CFR)(Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest numbered affected part. In Section II of the agenda, the petitions are aligned numerically with the parts of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

A Regulation Identifier Number (RIN) has been added to each rulemaking agenda entry to make it easier for the public and agency officials to track the publication history of regulatory actions. The dates listed under the heading "Timetable" for scheduled action by the Commission, the Executive Director for Operations (EDO), or the Chief Financial Officer (CFO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda. Conversely, the inclusion in this Regulatory Agenda of unpublished rules on which the NRC is considering action does not commit the NRC to publishing the rule for public comment in the Federal Register.

**Rulemakings Approved by the Executive Director for Operations**

The EDO initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve NRC's regulatory priorities most effectively. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking.

Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking or an advance notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal in the Federal Register. Rules and PRMs that appear in the agenda for the first time are identified by an asterisk (\*).

**Public Participation in Rulemaking**

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555-0001.

Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

You may also provide comments via the Federal eRulemaking Portal (<http://www.regulations.gov>) and follow instructions for submitting comments. For information contact Ms. Carol Gallagher, 301-415-5905 (e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov)). Also, mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff (e-mail: [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov)). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677, or fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

The agenda and any comments received on any rule listed in the agenda are available for public inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, One White Flint North, 11555 Rockville Pike, Public File Area O1-F21, Rockville, MD, between 7:45 a.m. and 4:15 p.m, Federal workdays.

**Additional Rulemaking Information**

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Doris Mendiola, Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-6297 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail [Doris.Mendiola@nrc.gov](mailto:Doris.Mendiola@nrc.gov). For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading “Agency Contact” for that rule.

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## **(A) Final Rules**

**1. Emergency Preparedness Policies Developed for Nuclear Materials Facilities (Part 1)**

**RIN:** 3150-AI17

**Abstract:** The direct final rule amends the Commission’s regulations clarifying NSIR emergency preparedness program responsibilities by replacing the reference to “nuclear reactors” with the phrase “nuclear facilities.” This rulemaking contributes to NRC performance goal number four to ensure that NRC actions are effective, efficient, realistic, and timely.

<b>Timetable:</b>	Direct Final Rule Published	05/21/07	72 FR 28449
	Direct Final Rule Effective	08/06/07	
	Proposed Rule Published	05/21/07	72 FR 28455
	Comment Period Closed	06/20/07	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Kevin R. O’Sullivan, Office of Federal and State Materials and Environmental Management Programs, (301) 415-8112, e-mail kro2@nrc.gov

**2. Licenses, Certifications, and Approvals for Nuclear Power Plants (Parts 1, 2, 10, 19, 20, 21, 25, 26, 50, 51, 52, 54, 55, 72, 73, 75, 95, 140, and 170)**

**RIN:** 3150-AG24

**Abstract:** The final rule amends the Commission’s requirements for early site permits, standard design certifications, combined licenses for nuclear power plants, and for other licensing processes. The amendments are based on the NRC staff’s experience with the previous design certification reviews and on discussions with stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants. The rulemaking also makes conforming clarifications and corrections to the NRC’s regulations.

The NRC is reorganizing 10 CFR Part 52 to establish a separate section for each of the licensing processes currently described in 10 CFR Part 52 (early site permits, standard design certifications, standard design approvals, combined licenses, and manufacturing licenses). The purpose of this reorganization is to clarify that each licensing process has equal standing.

The NRC is also retitling 10 CFR Part 52 as "Licenses, Certifications and Approvals for Nuclear Power Plants," to clarify that the licensing processes in 10 CFR Part 52 are in addition to and supplement the two-step licensing process in 10 CFR Part 50 and the license renewal process in 10 CFR Part 54, and are not limited to the early site permit, standard design certification, and combined license processes as the current title implies.

This rulemaking subsumed the rulemaking, "Standardized Plant Designs, Early Review of Sites Suitability Issues; Clarifying Amendments" (RIN 3150-AE25), that would remove redundant Appendices from Part 50. The Part 52 rulemaking plan (SECY-98-282) was approved by the Commission on January 14, 1999. As a result of the comments received and a number of other factors, the Commission decided that a substantial rewrite and expansion of the original rulemaking would be necessary to ensure that the entire body of NRC regulations is able to support the agency's licensing and regulation of future nuclear power facilities under Part 52.

**Timetable:** Final Rule Published 08/28/07 72 FR 49352  
Final Rule Effective 09/27/07

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Nanette Giles, Office of New Reactors,  
(301) 415-1180, e-mail nvg@nrc.gov

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### **3. Use of Electronic Submissions in Agency Hearings (Parts 1, 2, 13, and 110)**

**RIN:** 3150-AH74

**Abstract:** The final rule amends the Commission's regulations on the use of electronic submissions in all agency hearings except for those conducted on a high-level radioactive waste repository application. The amendments require the electronic transmission of electronic documents in filing and service. Although exceptions to these requirements are established to allow paper filings, the NRC maintains a strong preference for fully electronic filing and service. The final rule builds upon prior NRC rules and developments in the Federal courts regarding the use of electronic submissions.

The Commission also sought comments on draft guidance on how to submit hearing documents to the NRC electronically.

**Timetable:** Final Rule Published 08/28/07 72 FR 49139  
Final Rule Effective 10/15/07

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Steven C. Hamrick, Office of the General Counsel,  
(301) 415-4106, e-mail sch1@nrc.gov

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**4. Limited Work Authorizations for Nuclear Power Plants (Parts 2, 50, 51, and 52)**

**RIN:** 3150-AI05

**Abstract:** The final rule amends the Commission’s regulations allowing certain construction activities on nuclear power plants to commence before a construction permit or combined license is issued. This final rule modifies the scope of activities that are considered construction for which a construction permit, combined license or LWA is necessary, specifies the scope of construction activities that may be performed under a LWA, and changes the review and approval process for LWA requests. The NRC is adopting these changes to enhance the efficiency of its licensing and approval process for new nuclear reactors. This rulemaking was originally published on October 17, 2006 (71 FR 61329), as a supplementary proposed rule to the rulemaking, “Limited Work Authorizations for Nuclear Power Plants (RIN AI05).”

**Timetable:**

Final Rule Published	10/09/07	72 FR 57415
Final Rule Effective	11/08/07	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Geary S. Mizuno, Office of the General Counsel,  
(301) 415-1639, e-mail [gsm@nrc.gov](mailto:gsm@nrc.gov)

**5. Update NRC Size Standards; Revision (Parts 2 and 171)**

**RIN:** 3150-AI15

**Abstract:** The direct final rule revises the Commission’s regulations to implement updated NRC size standards for qualifying an NRC licensee as a small entity under the Regulatory Flexibility Act. This action is necessary to conform NRC’s size standards with recent changes to the Small Business Administration’s size standards.

**Timetable:**

Direct Final Rule Published	08/10/07	72 FR 44951
Direct Final Rule Effective	10/24/07	
Proposed Rule Published	08/10/07	72 FR 44988
Comment Period Closed	09/10/07	
Confirmation of Effective Date	09/28/07	72 FR 55019

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** Yes

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**Agency Contact:** Michael T. Lesar, Office of Administration,  
(301) 415-7163, e-mail [mtl@nrc.gov](mailto:mtl@nrc.gov)

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**6. Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent (Parts 19, 20, and 50)**

**RIN:** 3150-AH40

**Abstract:** The final rule amends the Commission’s regulations by (1) revising the provisions of 10 CFR 19.13, “Notifications and Reports to Individuals,” to limit the routine reporting of annual doses to those workers whose annual dose exceeds a specific dose threshold or who request a report; (2) revising the definition of total effective dose equivalent (TEDE) in 10 CFR 20.1003, “Definitions,” and 10 CFR 50.2, “Definitions,” to be consistent with current Commission policy; (3) modifying the provisions in 10 CFR 20.1905, “Exemptions to Labeling Requirements,” for certain containers holding licensed material within posted areas in nuclear power facilities; and (4) removing the requirement in 10 CFR 20.2104, “Determination of Prior Occupational Dose,” that licensees attempt to obtain cumulative occupational exposure records for workers unless these individuals are being authorized to receive a planned special exposure.

<b>Timetable:</b>	Proposed Rule Published	09/22/06	71 FR 55382
	Comment Period Closed	12/06/06	
	Final Rule Published	12/04/07	72 FR 68043
	Deferral of Effective Date	12/20/07	72 FR 72233
	Confirmation of Effective Date	02/14/08	73 FR 8588
	Final Rule Effective	02/15/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Stewart Schneider, Office of Nuclear Reactor Regulation,  
(301) 415-4123, e-mail [sxs4@nrc.gov](mailto:sxs4@nrc.gov)

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**7. National Source Tracking of Sealed Sources; Revised Compliance Dates\* (Part 20)**

**RIN:** 3150-AI22

**Abstract:** The final rule amends the Commission’s regulations to revise the compliance dates for licensees to begin reporting source transactions and initial source inventory information to the National Source Tracking System for nationally tracked sources. No other requirements related to the National Source Tracking System are being revised by this rule.

<b>Timetable:</b>	Final Rule Published	10/19/07	72 FR 59162
	Final Rule Effective	10/19/07	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Merri L. Horn, Office of Federal and State Materials and Environmental Management Programs, (301) 415-8126, e-mail mlh1@nrc.gov

**8. Requirements for Expanded Definition of Byproduct Material (Parts 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, 110, 150, 170, and 171)**

**RIN:** 3150-AH84

**Abstract:** The final rule amends the Commission's regulations to include certain radium sources, accelerator-produced radioactive materials, and certain naturally occurring radioactive material, as required by Section 651(e) of the Energy Policy Act of 2005.

<b>Timetable:</b>	Final Rule Published	10/01/07	72 FR 55863
	Final Rule Effective	11/30/07	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Catherine R. Mattsen, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6264, e-mail crm@nrc.gov

**9. Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (Parts 30, 31, 32, and 150)**

**RIN:** 3150-AH41

**Abstract:** The final rule amends the Commission's regulations in Parts 30, 31, 32, and 150. The results of the reevaluation of exemptions are being used to improve effectiveness and efficiency and better ensure safety. The final rule eliminates obsolete provisions and their associated distributor requirements currently in the regulations. Improvements to distributor reporting requirements are also included. A minor clarification to a general license is also included. This rulemaking has subsumed RM# 526, "Use of Exempt Sources in Devices."

<b>Timetable:</b>	Final Rule Published	10/16/07	72 FR 58473
	Final Rule Effective	12/17/07	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Andy Imboden, Office of Federal and State Materials and Environmental Management Programs, (301) 415-2327, e-mail asi@nrc.gov

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**10. Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees For Engaging in Protected Activities (Parts 30, 40, 50, 52, 60, 61, 63, 70, 71, 72, and 76)**

**RIN:** 3150-AH59

**Abstract:** The final rule amends the Commission's regulations to enable NRC to impose civil penalties upon non-licensee contractors and subcontractors who discriminate against employees engaged in protected activities.

<b>Timetable:</b>	Final Rule Published	11/14/07	72 FR 63969
	Final Rule Effective	12/14/07	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Doug Starkey, Office of Enforcement, (301) 415-3456, e-mail drs@nrc.gov

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**11. Medical Use of Byproduct Material - Minor Corrections and Clarifications (Parts 32, and 35)**

**RIN:** 3150-AI14

**Abstract:** The direct final rule amends the Commission's regulations to make several minor corrections and clarifications to Parts 32 and 35.

<b>Timetable:</b>	Direct Final Rule Published	08/13/07	72 FR 45147
	Direct Final Rule Effective	10/29/07	
	Proposed Rule Published	08/13/07	72 FR 45181
	Comment Period Closed	09/12/07	
	Confirmation of Effective Date	09/24/07	72 FR 54207

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, (301) 415-0253, e-mail eml1@nrc.gov

**12. Incorporation by Reference of NRC Regulatory Guides Listing Approved ASME Code Cases (Part 50)**

**RIN:** 3150-AH80

**Abstract:** The final rule amends the Commission’s regulations to incorporate by reference recent revisions of Regulatory Guides listing NRC-approved American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code Cases pertaining to in-service inspection (RG 1.47) and design, fabrication, and materials (RG 1.84) in nuclear power reactors. The final rule identifies the 2004 Editions of the ASME BPV Code and the ASME Operations and Maintenance (OM) Code as the editions that nuclear facilities require to use, subject to certain limitations and modifications.

<b>Timetable:</b>	Final Rule Published	12/19/07	72 FR 71750
	Final Rule Effective	01/18/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** L. Mark Padovan, Office of Nuclear Reactor Regulation, (301) 415-1423; e-mail: lmp@nrc.gov

**13. List of Approved Spent Fuel Storage Casks - NAC-MPC, Revision 5 (Part 72)**

**RIN:** 3150-AI13

**Abstract:** The direct final rule amends the Commission’s regulations to revise the NAC-MPC listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1025. Amendment No. 5 modifies the CoC by revising Technical Specifications to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents in lieu of thermal monitoring. The amendment also incorporates guidance from NRC Interim Staff Guidance (ISG)-22 and replace all references to backfilling with inert gas. In addition, the amendment revises the CoC description to remove the requirement for tamper-indicating devices on the Vertical concrete Casks and make several editorial changes to improve the clarity of the documents associated with the MPC system.

<b>Timetable:</b>	Direct Final Rule Published	05/10/07	72 FR 26535
	Direct Final Rule Effective	07/24/07	
	Proposed Rule Published	05/10/07	72 FR 26568
	Comment Period Closed	06/11/07	

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Confirmation of Effective Date	07/13/07	72 FR 38468
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**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov)

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**14. List of Approved Spent Fuel Storage Casks: TN-68 Revision 1 (Part 72)**

**RIN:** 3150-AI21

**Abstract:** The direct final rule will amend the Commission's regulations to modify the Certificate of Compliance by revising Technical Specifications to change several fuel parameters that include increasing fuel burnup to 60 gigawatts-day/metric ton of uranium, increasing total cask decay heat to 30 kilowatts, increasing maximum average fuel enrichment to 4.7 weight percent uranium-235, and decreasing minimum fuel assembly cooling time to 7 years. The amendment will also add up to eight damaged fuel assemblies as authorized contents of the cask and reduces the cask spacing on the storage pad.

<b>Timetable:</b>	Direct Final Rule Published	08/16/07	72 FR 45880
	Direct Final Rule Effective	10/30/07	
	Proposed Rule Published	08/16/07	72 FR 45943
	Comment Period Closed	09/17/07	

Confirmation of Effective Date	10/26/07	72 FR 60760
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**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov)

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## **(B) Proposed Rules**

**15. Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information (Part 2)**

**RIN:** 3150-AI08

**Abstract:** The proposed rule would amend the Commission’s regulations to provide for interlocutory review by the Commission of orders of a presiding officer or Atomic Safety and Licensing Board on requests by potential parties for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) or Safeguards Information (SGI).

<b>Timetable:</b>	Proposed Rule Published	06/11/07	72 FR 32018
	Comment Period Closed	07/11/07	
	Reopening of Public Comment	08/06/07	72 FR 43569
	Comment Period Closed	08/10/07	
	Final Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Patrick M. Moulding, Office of the General Counsel,  
(301) 415-2549, e-mail pam3@nrc.gov

**16. Protection of Safeguards Information (Parts 2, 30, 40, 50, 52, 63, 70, 72, 73, 76, and 150)**

**RIN:** 3150-AH57

**Abstract:** The proposed rule would amend the Commission’s regulations for the protection of Safeguards Information (SGI) to reflect recent Commission practices reflected in Orders and Threat Advisories, and Confirmatory Action Letters issued since September 11, 2001. The amendments also provide the flexibility afforded the Commission for the protection of such information by the Atomic Energy Act of 1954, as amended (AEA). The proposed amendments would affect certain licensees, information, and materials not currently specified in the regulations, but which are within the scope of the AEA. The proposed amendments are intended to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. The Commission directed that this rule be republished as a proposed rule to allow comments on proposed changes to rule text in response to public and Commission comment, as well as to reflect amendments to the AEA in the Energy Policy Act of 2005, and orders issued to licensees authorized to possess and transfer items containing certain quantities of radioactive material.

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**Proposed Rules****NRC Regulatory Agenda**

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**Timetable:** Proposed Rule Republished 10/31/06 71 FR 64003  
Comment Period Closed 01/02/07  
  
Final Rule Published 03/00/08

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jason C. Zorn, Office of the General Counsel,  
(301) 415-8350, e-mail jcz@nrc.gov

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**17. Fitness-for-Duty Programs (Part 26)**

**RIN:** 3150-AF12

**Abstract:** The proposed rule would amend the Commission's regulations to ensure compatibility with the Department of Health and Human Services guidelines, eliminate or modify unnecessary requirements in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency and establish threshold for the control of working hours at nuclear power plants to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. The proposed rule was published in August 2005, and includes provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This proposed rule subsumes the proposed rule "Nuclear Power Plant Worker Fatigue" (RIN 3150-AG99). This rulemaking would address the petitions for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and Barry Quigley (PRM-26-2) related to worker fatigue.

**Timetable:** Proposed Rule Published 08/26/05 70 FR 50442  
Comment Period Closed 12/27/05  
  
Final Rule Published 03/00/08

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** David T. Diec, Office of Nuclear Reactor Regulation,  
(301) 415-2834, e-mail dtd@nrc.gov

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**18. Transfers of Certain Source Materials by Specific Licensees (Part 40)**

**RIN:** 3150-AG64

**Abstract:** The proposed rule would amend the Commission's regulations to require NRC approval for transfers from licensees of unimportant quantities of source material (less than 0.05 percent by weight) to persons exempt from licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

**Timetable:**

Proposed Rule Published	08/28/02	67 FR 55175
Comment Period Closed	11/12/02	
Final Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs, (301) 415-8106, e-mail gcc1@nrc.gov

**19. Regulatory Improvements to Nuclear Materials Management and Safeguards System Database (Parts 40, 72, 74, and 150)**

**RIN:** 3150-AH85

**Abstract:** The final rule amends the Commission's regulations in 10 CFR Parts 40, 72, 74, and 150 related to current reporting requirements for certain NRC-licensed and Agreement State facilities related to the Nuclear Materials Management and Safeguards System (NMMSS) database. The amendments provide improvements to NMMSS database in maintaining the accuracy of licensee inventory records in the NMMSS database.

**Timetable:**

Proposed Rule Published	02/06/07	72 FR 5348
Comment Period Closed	04/23/07	
Final Rule Published	04/00/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Neelam Bhalla, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6843, e-mail nxb@nrc.gov

**20. Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition (Part 50)**

RIN: 3150-AH29

**Abstract:** The proposed rule would amend the Commission's regulations to allow for a risk-informed alternative to the present loss-of-coolant accident (LOCA) break size. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy Institute (NEI) (PRM-50-75). A draft final rule was provided to the ACRS on October 16, 2006. The staff is now working to address the policy and technical recommendations made by the ACRS. The staff prepared a Commission paper (SECY-07-0082; May 16, 2007) to inform the Commission of the impact of the ACRS recommendations and to request guidance before a new schedule is determined. The Commission provided its guidance in a Staff Requirements Memorandum on August 10, 2007. The staff will provide a new final rule schedule to the Commission by March 31, 2008.

<b>Timetable:</b>	Proposed Rule Published	11/07/05	70 FR 67597
	Comment Period Closed	02/06/06	
	Extension of Comment Period	01/25/06	71 FR 4061
	Comment Period Closed	03/08/06	
	Final Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Richard F. Dudley, Office of Nuclear Reactor Regulation,  
(301) 415-1116, e-mail rfd@nrc.gov**21. Industry Codes and Standards; Amended Requirements (Part 50)**

RIN: 3150-AH76

**Abstract:** The proposed rule would amend the Commission's regulations to incorporate by reference the 2004 Edition of Division 1 rules in Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* (ASME BPV Code); the 2004 Edition of Division 1 rules in Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME BPV Code; and the 2004 Edition, of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code).

<b>Timetable:</b>	Proposed Rule Published	04/05/07	72 FR 16731
	Comment Period Closed	06/21/07	
	Final Rule Published	07/00/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

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**Effects on Small Business and Other Entities:** None

**Agency Contact:** L. Mark Padovan, Office of Nuclear Reactor Regulation,  
(301) 415-1423, e-mail [Imp@nrc.gov](mailto:Imp@nrc.gov)

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**22. Amend Fracture Toughness Requirements Against Pressurized Thermal Shock Event (Part 50)**

**RIN:** 3150-AI01

**Abstract:** The proposed rule would amend the Commission's regulations that protect against brittle fracture of reactor vessels during severe cooldown events. The existing regulations establish screening limits that were developed based on what NRC believed to be a conservative probabilistic fracture mechanics analysis. Several licensees will exceed the screening limits in the current rule during their license renewal periods. The staff proposes to provide alternate fracture toughness requirements which reflect the updated technical basis in the proposed rule.

**Timetable:**

Proposed Rule Published	10/03/07	72 FR 56275
Comment Period Closed	12/17/07	
Final Rule Published	07/00/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Veronica M. Rodriguez, Office of Nuclear Reactor Regulation,  
(301) 415-3703, e-mail [vmr1@nrc.gov](mailto:vmr1@nrc.gov)

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**23. Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs\* (Part 50)**

**RIN:** 3150-AI19

**Abstract:** The proposed rule would amend the Commission's regulations to require applicants for new standard design certifications that do not reference a standard design approval; new standard design approvals; combined licenses that do not reference a standard design certification, standard design approval, or manufactured reactor; and new manufacturing licenses that do not reference a standard design certification or standard design approval to assess the effects of the impact of a large, commercial aircraft on the nuclear power plant. Based on the insights gained from this assessment, the applicant shall include in its application a description and evaluation of design features, functional capabilities, and strategies to avoid or mitigate, to the extent practicable, the effects of the aircraft impact with reduced reliance on operator actions.

**Proposed Rules****NRC Regulatory Agenda**

<b>Timetable:</b>	Proposed Rule Published	10/03/07	72 FR 56287
	Comment Period Closed	12/17/07	
	Final Rule Published	01/00/09	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Stewart Schneider, Office of Nuclear Reactor Regulation,  
(301) 415-4123, e-mail sxs4@nrc.gov

**24. Power Reactor Security Requirements (Parts 50, 72, and 73)**

**RIN:** 3150-AG63

**Abstract:** The proposed rule would amend the Commission's current security regulations and add new security requirements pertaining to nuclear power reactors. Additionally, this rulemaking includes new security requirements for Category I strategic special nuclear material (SSNM) facilities for access to enhanced weapons and firearms background checks. The proposed rulemaking would: make generically applicable security requirements imposed by Commission orders issued after the terrorist attacks of September 11, 2001, based upon experience and insights gained by the Commission during implementation; fulfill certain provisions of the Energy Policy Act of 2005; add several new requirements that resulted from insights from implementation of the security orders, review of site security plans, and implementation of the enhanced baseline inspection program and force-on-force exercises; update the regulatory framework in preparation for receiving license applications for new reactors; and impose requirements to assess and manage site activities that can adversely affect safety and security. The proposed safety and security requirements would address, in part, a petition for rulemaking (PRM-50-80) that requests the establishment of regulations governing proposed changes to facilities which could adversely affect the protection against radiological sabotage. The proposed rulemaking would address a petition for rulemaking (PRM-73-11) regarding the posting of armed guards at the entrances of the owner-controlled area of nuclear power plants. The proposed rulemaking would address a petition for rulemaking (PRM-73-13) regarding access to, and escort within the protected area of the nuclear power plant.

<b>Timetable:</b>	Proposed Rule Published	10/26/06	71 FR 62663
	Comment Period Closed	01/09/07	
	Extension of Comment Period Published	01/05/07	72 FR 480
	Extension of Comment Period Closed	02/23/07	
	Final Rule Published	01/00/09	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Timothy Reed, Office of Nuclear Reactor Regulation,  
(301) 415-1462, e-mail tar@nrc.gov

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**25. Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51)**

**RIN:** 3150-AA31

**Abstract:** The proposed rule would amend the Commission's regulations by addressing uranium fuel cycle environmental data (Table S-3) and the environmental effects of transportation of fuel and waste data (Table S-4). In § 51.51, the environmental data would be re-estimated and reflect changes in the structure and activities of the fuel cycle and the availability of better data. Estimates of releases of Radon-222 and Technetium-99 would be added to Table S-3. The addition of a specific value for Radon-222 would address the outstanding portion of petition for rulemaking PRM-51-1, submitted by the New England Coalition on Nuclear Pollution. To provide immediate relief to the petitioners' request, the Commission published a final rule on March 14, 1977 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it became subject to case-specific litigation. It was anticipated that the Commission would add a specific value for Radon-222, but the Commission deferred action until a general updating of Table S-3 is undertaken. For § 51.52, the environmental impact estimates would be re-estimated to reflect the use of more highly enriched fuel and discharge of more highly irradiated fuels from a reactor; as well as many changes needed to update fuel cycle process and technologies.

This rulemaking would result in current and more accurate estimates of the environmental impact of licensing a new plant, and would eliminate the requirement to review the contribution to environmental impacts from Radon-222 and Technetium-99 in individual plant reviews. This rule would be reissued as a proposed rule, and would update the initial rulemaking effort to address newly emerging issues and research.

**Timetable:**

Proposed Rule Published	03/04/81	46 FR 15154
Comment Period Closed	05/04/81	
Proposed Rule Published	Undetermined	

**Legal Authority:** 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Stewart Schneider, Office of Nuclear Reactor Regulation,  
(301) 415-4123, e-mail sxs4@nrc.gov

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**26. Security Requirements for Geological Repository Operations Area (GROA) (Parts 60, 63, 73, and 74)**

**RIN:** 3150-AI06

**Abstract:** The proposed rule would amend the Commission's regulations that would establish post September 11, 2001, security and material control and accounting requirements for a geologic repository operations area (GROA) to reflect the current threat environment.

**Timetable:**

Proposed Rule Published:	12/20/07	72 FR 72521
Comment Period Closed	03/04/08	
Final Rule Published	12/00/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Merri L. Horn, Office of Federal and State Materials and Environmental Management Programs  
(301) 415-8126, e-mail mlh1@nrc.gov

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**27. Implementation of a Dose Standard Beyond 10,000 Years (Part 63)**

**RIN:** 3150-AH68

**Abstract:** The proposed rule would amend the Commission's regulations to revise existing regulations on technical criteria for disposal of high-level radioactive waste in a geologic repository at Yucca Mountain, Nevada, to be consistent with the environmental standards developed by the U.S. Environmental Protection Agency.

**Timetable:**

Proposed Rule Published	09/08/05	70 FR 53313
Comment Period Closed	12/07/05	
Final Rule Published	06/00/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Frank P. Cardile, Office of Federal and State Materials and Management Programs,  
(301) 415-6185, e-mail fpc@nrc.gov

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**28. List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 4\* (Part 72)**

**RIN:** 3150-AI23

**Abstract:** This direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Hi-Storm 100 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 4 to Certificate of Compliance (CoC) Number 1014. Amendment No. 4 will include changes to add site-specific options to the CoC to permit use of a modified Hi-Storm 100 cask system at the Indian Point Unit (IP1) Independent Spent Fuel Storage Installation. These options include the shortening of the Hi-Storm 100S Version B, Multi-Purpose canister (MPC)-32 and MPC 32F, and the Hi-Trac 100D canister to accommodate site-specific restrictions. Additional changes address the Technical Specification (TS) definition of transport operations and associated language in the safety analysis report; the soluble boron requirements for Array/Class 14x14 IP1 fuel; the helium gas backfill requirements for Array/Class 14x14 IP1 fuel; the addition of a fifth damaged fuel container design under the TS definition for damaged fuel container; addition of separate burnup, cooling time, and decay heat limits for Array/Class 14x14 IP1 fuel for loading in an MPC-32 and MPC-32F; addition of antimony-beryllium secondary sources as approved contents; other changes to loading of IP1 fuel assemblies; and other editorial changes, including replacing all references to US Tool and Die with Holtec Manufacturing Division.

<b>Timetable:</b>	Direct Final Rule Published	10/25/07	72 FR 60543
	Direct Final Rule Effective	01/08/08	
	Proposed Rule Published	10/25/07	72 FR 60589
	Comment Period Closed	11/26/07	
	Confirmation of Effective Date	01/02/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs, (310) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov)

**29. List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5\* (Part 72)**

**RIN:** 3150-AI24

**Abstract:** This direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Hi-Storm 100 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1014. Amendment No. 5 includes deletion of the requirement to perform thermal validation tests on thermal systems, an increase in the design basis maximum decay heat loads and a new decay heat regionalized scheme; an increase in the maximum fuel assembly weight for boiling water reactor fuel in the Multi-Purpose Canister (MPC)-68; an increase in the maximum fuel assembly weight of up to 1,720 pounds for assemblies not requiring spacers, otherwise 1,680 pounds; changes to the assembly characteristics of 16x16 pressurized water reactor fuel assemblies to be qualified for storage in the HI-Storm 100 cask system, a change in the fuel storage locations in the MPC-32 for fuel with axial power shaping rod assemblies and in the fuel storage locations in the MPC-24 and

the MPC-32 for fuel with control rod assemblies, rod cluster control assemblies, and control element assemblies; elimination of the restriction that fuel debris can only be loaded into the MPC-24EF, MPC-32F, MPC-68F, and MPC-68FF canisters; introduction of a requirement that all MPC confinement boundary components and any MPC components exposed to spent fuel pool water or the ambient environment be made of stainless steel or, for MPC internals, neutron absorber or aluminum; the addition of a threshold heat load below which operation of the Supplemental Cooling System would not be required and modification of the design criteria to simplify the system; minor editorial changes to include clarification of the description of anchored casks, correction of typographical/editorial errors, clarification of the definition of loading operations, storage operations, transport operations, unloading operations, cask loading facility, and transfer cask in various locations throughout the CoC and Final Safety Analysis Report; and modification of the definition of non-fuel hardware to include the individual parts of the items defined as non-fuel hardware.

<b>Timetable:</b>	Direct Final Rule Published	12/31/07	72 FR 74162
	Direct Final Rule Effective	03/17/08	
	Proposed Rule Published	12/31/07	72 FR 74209
	Comment Period Closed	01/30/08	
	Confirmation of Effective Date	03/00/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,  
(310) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov)

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**(C) Advance Notices of Proposed Rulemaking**

**30. Entombment Options for Power Reactors (Parts 20 and 50)****RIN:** 3150-AG89

**Abstract:** The advance notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02-0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory Research completed research to develop a sound technical basis for an entombment option. The Office of Nuclear Regulatory Research conducted research in 2004 and 2005, and the work was terminated in FY2005, at the direction of the Commission. A research information letter was prepared summarizing the research results and regulatory implications of using concrete barriers to prevent or control the release of radioactive materials from waste disposal facilities or contaminated sites. The staff is continuing to defer this rulemaking activity.

<b>Timetable:</b>	ANPRM Published	10/16/01	66 FR 52551
	Comment Period Closed	12/31/01	
	Proposed Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None

**Agency Contact:** Kevin R. O'Sullivan, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8112, e-mail kro2@nrc.gov

**31. Approach to Risk-Inform, Performance-Base Requirement for Nuclear Power Plants (Parts 50, and 53)****RIN:** 3150-AH81

**Abstract:** The advanced notice of proposed rulemaking would obtain public comment on a proposed approach to risk-inform the requirements for power reactors including developing an alternative set of new risk-informed requirements.

<b>Timetable:</b>	ANPRM Published	05/04/06	71 FR 26267
	Comment Period Closed	12/29/06	
	Proposed Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 58411**Effects on Small Business and Other Entities:** None

**Agency Contact:** William D. Reckley, Office of Nuclear Reactor Regulation,  
(301) 415-7490, e-mail wdr@nrc.gov

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**32. Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73)**

**RIN:** 3150-AG41

**Abstract:** The advance notice of proposed rulemaking (ANPRM) invited early input from affected parties and the public on the issues associated with the advance notification of Indian Tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian Tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian Tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001. The timing is being coordinated with the progress on other related rulemakings.

<b>Timetable:</b>	ANPRM Published	12/21/99	64 FR 71331
	Comment Period Closed	07/05/00	65 FR 18010
	Proposed Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** James R. Firth, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-6628, e-mail jrf2@nrc.gov

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## **(D) Unpublished Rules**

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**33. Statement of Reorganization and General Information; Minor Amendments (Parts 1, 20, 30, and 32)****RIN:** 3150-AI07

**Abstract:** The final rule amends the Commission's regulations to reflect the administrative changes to the agency due to the reorganization of the Office of Nuclear Material Safety and Safeguards and the creation of the Office of Federal and State Materials and Environmental Management Programs, and the reorganization of the Office of Nuclear Reactor Regulation and the creation of the Office of New Reactors.

**Timetable:** Final Rule Published 01/31/08**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Michael T. Lesar, Office of Administration,  
(301) 415-7163, e-mail [mtl@nrc.gov](mailto:mtl@nrc.gov)

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**34. Controlling the Disposition of Solid Materials (Part 20)****RIN:** 3150-AH18

**Abstract:** The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved. The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. As such, the Commission deferred this rulemaking for the time being.

**Timetable:** Proposed Rule Published Undetermined**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Frank P. Cardile, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-6185, e-mail [fpc@nrc.gov](mailto:fpc@nrc.gov)

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**35. Decommissioning Planning (Parts 20, 30, 40, 50, 70, and 72)****RIN:** 3150-AH45

**Abstract:** The proposed rule would amend the Commission's regulations to prevent future legacy sites. One set of changes would revise 10 CFR 20.1406 and 20.1501 to require that licensees conduct their operations to minimize contamination at the site, including the subsurface, and to document survey results with records important for decommissioning. A second set of changes would revise regulations in 10 CFR Parts 30, 40, 50, 70, and 72 to provide tighter control of the decommissioning financial assurances and more detailed reporting by licensees of their decommissioning cost estimates.

**Timetable:** Proposed Rule Published 01/22/08

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Kevin R. O'Sullivan, Office of Federal and State Materials and Environmental Management Programs, (301) 415-8112, e-mail kro2@nrc.gov

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### **36. Requirements for Distribution of Byproduct Material (Parts 30, 31, and 32)**

**RIN:** 3150-AH91

**Abstract:** The proposed rule would amend the Commission's regulations by making the requirements for distributors of byproduct material more explicit, less prescriptive, and more risk-informed, improve safety criteria for approving products through licensing actions, and redefine categories of devices to be used under exemption.

**Timetable:** Proposed Rule Published 12/00/08

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Catherine Mattsen, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6264, e-mail crm@nrc.gov

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### **37. Medical Event Definition for Permanent Brachytherapy Implants\* (Part 35)**

**RIN:** 3150-AI26

**Abstract:** The proposed rule would amend the Commission's regulations in Part 35 to modify the definition of medical events for permanent brachytherapy implants from dose-based to activity-based criteria.

**Timetable:** Proposed Rule Published 07/00/08

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-0253; e-mail: eml1@nrc.gov

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**38. Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40)**

**RIN:** 3150-AH15

**Abstract:** The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make Part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in Part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in 10 CFR 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of Parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and Organization of Agreement States.

**Timetable:** Proposed Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8106, e-mail gcc@nrc.gov

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**39. Uranium in Drinking Water (Part 40)**

**RIN:** 3150-AH97

**Abstract:** The proposed rule would amend the Commission's regulations to include a new general license for a community water system (CWS), that during the treatment of drinking water, may accumulate and concentrate naturally-occurring uranium in media, effluents, and other residuals, above 0.05 percent by weight.

**Timetable:** Proposed Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8106, e-mail gcc@nrc.gov

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**40. Implement US-IAEA Safeguards Agreement (Parts 40, 50, 60, 61, 63, 70, 72, 75, 76, and 150)**

**RIN:** 3150-AH38

**Abstract:** The final rule will amend the Commission's regulations to implement the additional reporting and complementary access requirements contained in the US/IAEA Additional Protocol for the application of safeguards in the United States.

**Timetable:** Final Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Naiem Tanious, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6103, e-mail nst@nrc.gov

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**41. Administrative Changes (Parts 40 and 73)**

**RIN:** 3150-AH49

**Abstract:** The final rule amends the Commission's regulations to update the list of non-Agreement States.

**Timetable:** Final Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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**Agency Contact:** Michael K. Williamson, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6234, e-mail mkw1@nrc.gov

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#### 42. Integrated Rulemaking for Decommissioning Nuclear Power Reactors (Part 50)

**RIN:** 3150-AG47

**Abstract:** A staff requirements memorandum dated June 23, 1999, directed the NRC staff to consider an integrated, risk-informed decommissioning rule rather than individual rulemakings to address emergency preparedness, insurance, safeguards, operator staffing, and backfit for nuclear power plants that are being decommissioned. SECY-99-168, dated June 30, 1999, recommended that the integrated approach be approved and outlined staff plans for pursuing such a rulemaking. Accordingly, the staff has subsumed previous rulemaking activities in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit into one integrated rulemaking effort. This rulemaking would apply to licensees who certified under § 50.82(a), that they have permanently ceased facility operation(s) and have permanently removed fuel from the reactor vessel. The Commission approved this approach in an SRM dated December 21, 1999. This rulemaking also would address a petition for rulemaking submitted by the North Carolina Public Utility Commission (PRM-50-57).

In SECY-00-0145, dated June 28, 2000, the NRC staff recommended a decommissioning rulemaking plan in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit (the integrated decommissioning rulemaking plan). The rulemaking plan relied on a draft decommissioning risk study as the basis for its recommendations. The Commission returned the rulemaking plan to the staff for rework in September 2000, based on changes to the decommissioning risk study findings. The decommissioning risk study, NUREG-1738, was issued in January 2001. After assessing the findings in the risk study, the staff presented a policy options paper to the Commission, SECY-01-0100, dated June 4, 2001, that provided options and made recommendations on issues to be addressed in the integrated rulemaking. Following the terrorist events of September 11, 2001, the NRC staff recommended and the Commission approved the withdrawal of SECY-01-0101 because of the likely changes in the staff's position on decommissioning plant safeguards. The decommissioning policy position will be revisited when a broad-scope NRC safeguards policy is developed in response to potential terrorist acts at nuclear facilities. The schedule for the integrated rulemaking cannot be determined at this time.

**Timetable:** Proposed Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Mark S. Delligatti, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8518, e-mail msd@nrc.gov

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**43. Modifications to Pressure-Temperature Limits (Part 50)****RIN:** 3150-AG98

**Abstract:** The proposed rule would amend the Commission's regulations to eliminate those requirements for pressure-temperature limits that are related to the metal temperature of the reactor pressure vessel closure head flange and vessel flange areas. The proposed rule would amend footnotes 2 and 6 to Table 1 of Appendix G, and simplify restructuring of the table. Also, this rulemaking would address the petition for rulemaking submitted by Westinghouse Electric Company (PRM-50-69).

**Timetable:** Proposed Rule Published Undetermined**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Carolyn J. Fairbanks, Office of Nuclear Reactor Regulation,  
(301) 415-6719, e-mail cfx1@nrc.gov

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**44. Performance-Based ECCS Acceptance Criteria (Part 50)****RIN:** 3150-AH42

**Abstract:** The proposed rule would amend § 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. Existing provisions of § 50.46 applicable to certain zirconium-based cladding materials would be supplemented by performance-based standards for maximum peak cladding temperature and oxidation limit. The supplementary performance standard would allow licensees to use alternative cladding materials, without seeking an exemption, provided that testing demonstrated that adequate ductility would be maintained, and ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking also would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). The NRC is now performing research activities to develop a technical basis for initiating rulemaking on this item. An initial draft technical basis is expected by February 29, 2008.

**Timetable:** Proposed Rule Published Undetermined**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None

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**Agency Contact:** Richard F. Dudley, Office of Nuclear Reactor Regulation,  
(301) 415-1116, e-mail rfd@nrc.gov

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**45. Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident (LOCA) (Part 50)**

**RIN:** 3150-AH43

**Abstract:** The proposed rule would amend the Commission's regulations to remove the requirement to postulate unavailability of offsite power for all loss of coolant accidents, as currently required by General Design Criterion 35. By taking into account risk insights, this requirement would be removed for the larger, less likely events, but would be retained for more frequent (smaller break) losses of coolant. The rulemaking would facilitate certain facility changes, such as emergency diesel generator start times, to optimize them for the more likely events rather than for rare events. In a staff Requirement Memorandum (SRM) dated March 31, 2003, the Commission directed the staff to prepare a proposed rule. On April 27, 2004, the BWR Owners Group (BWROG) submitted the topical report, "Separation of Loss of Offsite Power from Large Break LOCA" for staff review. The BWROG indicated that the topical report would support plant-specific exemption request to implement specific plant changes that are currently not possible with the existing rule requirements. The staff recommended in SECY-04-0037, that it will allow to finish the review of the topical report and pilot exemption request before initiating rulemaking. In its SRM of July 1, 2004, the Commission approved the staff to begin rulemaking after review of the BWROG pilot exemption request. The BWROG topical review is not expected to be completed until late CY-2008. The need for this rulemaking is being reevaluated.

**Timetable:** Proposed Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Richard F. Dudley, Office of Nuclear Reactor Regulation,  
(301) 415-1116, e-mail rfd@nrc.gov

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**46. Enhancements to Emergency Preparedness Regulations and Guidance (Part 50)**

**RIN:** 3150-AI10

**Abstract:** The proposed rule would amend the Commission's regulations to enhance the emergency preparedness regulations to address concerns post September 11, 2001, as well as improve the emergency preparedness process.

**Timetable:** Proposed Rule Published      02/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Kathryn M. Brock, Office of Nuclear Security and Incident Response,  
(301) 415-2015, e-mail kmb3@nrc.gov

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**47. Revise Part 71 for IAEA and DOT Compatibility (Part 71)**

**RIN:** 3150-A111

**Abstract:** The proposed rule would amend the Commission's regulations at 10 CFR Part 71 to make the requirements compatible with the 2005 edition of the International Atomic Energy Agency Transportation Safety Standards, TS-R-1, and changes to the Department of Transportation Hazardous Materials Regulations. This rulemaking would make other changes to 10 CFR Part 71. The proposed rule would amend the quality assurance requirements to make the regulation of quality assurance programs more efficient. In addition, the proposed rule would (1) clarify the general license requirements and (2) make changes to the exemptions relating to the classification of fissile material and low-level materials.

**Timetable:** Proposed Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** James R. Firth, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-6628, e-mail jrf2@nrc.gov

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**48. License and Certificate of Compliance Terms (Part 72)**

**RIN:** 3150-A109

**Abstract:** The proposed rule would amend the Commission's regulations by seeking to improve regulatory efficiency by clarifying the scope, applicability, and terminology of 10 CFR Part 72 Certificates of Compliance (CoC) and general license regulations to better align them with each other. In addition, it also seeks to provide consistency between the general license requirements and the site-specific independent spent fuel storage installation license requirements within 10 CFR Part 72. The Commission has also included in this rule the resolution of issues associated with use by utilities of multiple amendments to casks CoCs.

**Timetable:** Proposed Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-5252, e-mail kkm@nrc.gov

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**49. Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property (Part 73)**

**RIN:** 3150-AI12

**Abstract:** The proposed rule would amend the Commission's regulations to implement requirements for fingerprinting and criminal history record checks for unescorted access to radioactive material and other property as required by Section 652 of the Energy Policy Act (EPA) of 2005, signed into law on August 8, 2005.

**Timetable:** Proposed Rule Published: 02/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Frank Cardile, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6185, e-mail fpc@nrc.gov

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**50. Research and Test Reactor Fingerprinting Requirements for Unescorted Access\* (Part 73)**

**RIN:** 3150-AI25

**Abstract:** The proposed rule would amend the Commission's regulations to require a fingerprint based criminal history record check for individuals with unescorted access to research and test reactors.

**Timetable:** Proposed Rule Published: Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Linh N. Tran, Office of Nuclear Reactor Regulation,  
(301) 415-4103; e-mail: lnt@nrc.gov

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**51. Export and Import of Nuclear Equipment and Materials; Updates and Clarifications (Part 110)****RIN:** 3150-AI16

**Abstract:** The proposed rule would amend the Commission's regulations to update, clarify, and correct several provisions of 10 CFR Part 110 to improve NRC's regulatory framework for the import and export of nuclear equipment, material, and radioactive waste. First, it would revise requirements related to the import and export of Category 1 and Category 2 radioactive sources; second, it would clarify licensing requirements for the import and export of radioactive waste to facilitate the licensing process and improve efficiency and consistency of licensing actions, and third, the proposed rule would update, clarify and correct a number of provisions in the import and export regulations.

**Timetable:** Proposed Rule Published 12/00/08**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Brooke G. Smith, Office of International Programs,  
(301) 415-2347; e-mail: bgs@nrc.gov

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**52. Revision of Fee Schedules; Fee Recovery for FY 2008\* (Parts 170 and 171)****RIN:** 3150-AI28

**Abstract:** The proposed rule would amend the Commission's licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for Fiscal Year 2008, less the amounts appropriated from the Nuclear Waste Fund, and for Waste Incidental to Reprocessing and generic homeland security activities as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

Based on the Consolidated Appropriations Act, 2008 (P.L. 110-161), the NRC's required fee recovery amount for the FY 2008 budget is approximately \$779.1 million. After accounting for carryover and billing adjustments, the total amount to be billed as fees is \$760.7 million. The OBRA-90, as amended, requires that the fees for FY 2008 be collected by September 30, 2008.

**Timetable:** Proposed Rule Published 02/13/08**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** Yes**Agency Contact:** Renu Suri, Office of the Chief Financial Officer,  
(301) 415-0161, e-mail: rxs6@nrc.gov

**(A) Petitions Incorporated Into Final Rules  
or Denied**

1. **Petitioner/Petition Docket Number:** Lincoln County, Nevada\* (PRM-2-13)

**Federal Register Citation:** N/A

**Subject:** Yucca Mountain licensing proceeding

**Summary:** The petitioner requested that the Commission amend its regulations to permit affected units of local government to be represented by non-attorneys in the Yucca Mountain Licensing Proceeding.

**Timetable:** A notice denying this petition was published in the Federal Register on December 28, 2007 (72 FR 73676).

**Agency Contact:** Michael Spencer, Office of the General Counsel,  
(301) 415-4073, e-mail mas8@nrc.gov

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2. **Petitioner/Petition Docket Number:** William Stein III, M.D. (PRM-35-19)

**Federal Register Citation:** June 14, 2006 (71 FR 34285)

**Subject:** Training and experience requirements for medical oncologists and hemotologists who wish to be authorized users for certain radiopharmaceuticals.

**Summary:** The petitioner is requesting that the NRC amend the regulations that govern medical use of byproduct material concerning training and experience (T&E) for parenteral administration of certain radioactive drugs used to treat cancer. The petitioner believes that the current regulations are unduly burdensome and that the regulations should allow for limited authorized user status for the administration of these radioactive drugs with reduced levels of training and experience being appropriate to qualify for this limited authorization. The petitioner requests that the regulations be amended to clearly codify an 80-hour training and experience requirement as appropriate and sufficient for physicians desiring to attain AU status for these unsealed byproduct materials.

**Timetable:** A notice denying this petition was published in the Federal Register on October 24, 2007 (72 FR 60285).

**Agency Contact:** James R. Firth, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-6628, e-mail jrf2@nrc.gov

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3. **Petitioner/Petition Docket Number:** Adrian Heymer, Nuclear Energy Institute  
(PRM-50-82)

**Federal Register Citation:** N/A

**Subject:** Limited work authorization

**Summary:** The petitioner requested that the NRC amend its regulations to modify its limited work authorizations process consistent with industry proposal.

**Timetable:** A notice of receipt was not published for this petition. This petition was addressed in the final rule, "Limited Work Authorization for Nuclear Power Plants (RIN A105), published on October 9, 2007 (72 FR 37415).

**Agency Contact:** Nanette Giles, Office of New Reactors,  
(301) 415-1180, e-mail: nvg@nrc.gov

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**4. Petitioner/Petition Docket Number:** Sherwood Martinelli\* (PRM-50-86)

**Federal Register Citation:** N/A

**Subject:** Financial protection

**Summary:** The petitioner requested that the NRC amend its regulations to provide financial protection for individuals harmed by releases of nuclear material following an incident or attack at a nuclear facility, and to require licensees to pay for satellite communication systems for nuclear power plant communities to "protect human health and the environment."

**Timetable:** A notice of receipt was not published for this petition. A notice denying this petition was published in the Federal Register on July 18, 2007 (72 FR 39354).

**Agency Contact:** Michael T. Lesar, Office of Administration,  
(301) 415-7163, e-mail mtl@nrc.gov

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**5. Petitioner/Petition Docket Number:** Sally Shaw (PRM-51-11)

**Federal Register Citation:** November 20, 2006 (71 FR 67072)

**Subject:** Generic environmental impact statement for nuclear power plant license renewal

**Summary:** The petitioner requested that the Commission prepare a rulemaking that will require that the NRC reconcile its generic environmental impact statement for nuclear power plant operating license renewal applications with the National Academy of Sciences Health Risks From Exposure to Low Levels of Ionizing Radiation: Biological Effects of Ionizing Radiation (BEIR) VII Phase 2 Report.

**Timetable:** A notice denying this petition was published in the Federal Register on December 14, 2007 (72 FR 71083).

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**Agency Contact:** David Diec, Office of Nuclear Reactor Regulation,  
(301) 415-2834, e-mail dtd@nrc.gov

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**6. Petitioner/Petition Docket Number:** Susan Shapiro, FUSE\* (PRM-54-4)

**Federal Register Citation:** N/A

**Subject:** License applications

**Summary:** The petitioner requested that the Commission issue an order to enjoin the NRC from considering any new license applications until the NRC can amend its regulations so that the regulations do not suppress and/or eliminate a stakeholder's right to redress, due process and equal protection in the licensing renewal process. The petitioner also requested that the NRC suspend the Indian Point license.

**Timetable:** A notice of receipt was not published for this petition. A notice denying this petition was published in the Federal Register on November 8, 2007 (72 FR 63141).

**Agency Contact:** Howard A. Benowitz, Office of the General Counsel,  
(301) 415-4060, e-mail Howard.Benowitz@nrc.gov

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**7. Petitioner/Petition Docket Number:** Martin G. Malsch, State of Nevada\* (PRM-63-2)

**Federal Register Citation:** N/A

**Subject:** Disposal and transportation of high-level radioactive wastes in a geologic repository at Yucca Mountain, Nevada

**Summary:** The petitioner requested that the Commission amend its regulations that govern disposal and transportation of high-level radioactive wastes in a geologic repository at Yucca Mountain, Nevada, to clarify the limits on spent fuel storage at that site. The petitioner believes that the Department of Energy's plan to provide an aging facility and a receipt facility for the acceptance and storage of high-level radioactive waste at the proposed Yucca Mountain site violates the Nuclear Waste Policy Act of 1982, as amended.

**Timetable:** A notice of receipt was not published for this petition. A notice denying this petition was published in the Federal Register on October 24, 2007 (72 FR 60288).

**Agency Contact:** Bradley W. Jones, Office of the General Counsel  
(301) 415-1644, e-mail Bradley.Jones@nrc.gov

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**(B) Petitions Incorporated Into Published  
Proposed Rules**

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**8. Petitioner/Petition Docket Number:** Virginia Electric and Power Company (PRM-26-1)

**Federal Register Citation:** N/A

**Subject:** Fitness-for-duty programs

**Summary:** The petitioner requested that the Commission amend its regulations to change the frequency that licensees are required to audit their fitness-for-duty programs from annually to biennially.

**Timetable:** A notice of receipt was not published for this petition. This petition qualified for special fast-track handling, as specified in § 2.802(e); publication of the docketing of PRM-26-1 was not required. This petition was addressed in a proposed rulemaking, "Fitness-for-Duty Program" (RIN 3150-AF12). The proposed rule was published in the Federal Register on May 9, 1996 (61 FR 21105). A new proposed rule was provided to the Commission via SECY-05-0074, dated April 28, 2005. The NRC published the proposed rule in the Federal Register on August 26, 2005; 70 FR 50442, for a 120-day comment period that ended December 27, 2005. The draft final rule was provided to the Commission for consideration on December 22, 2006. The Commission approved the draft final rule with some recommended actions in April 2007. The final rule is anticipated to be published in May 2008.

**Agency Contact:** David T. Diec, Office of Nuclear Reactor Regulation,  
(301) 415-2834, e-mail dtd@nrc.gov

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**9. Petitioner/Petition Docket Number:** Barry Quigley (PRM-26-2)

**Federal Register Citation:** December 1, 1999 (64 FR 67202)

**Subject:** Fitness-for-duty

**Summary:** The petitioner requested that the Commission amend its regulations to (1) add enforceable working hour limits to 10 CFR Part 26; (2) add a criterion to 10 CFR Part 55 to require evaluation of known sleeping disorders; (3) revise the Enforcement Policy to include examples of working hour violations warranting various NRC sanctions; and (4) revise NRC Form 396 to include self-disclosure of sleeping disorders by licensed operators. The petitioner also requested changes to NRC Inspection Procedure 81502, Fitness-for-Duty Program. The petitioner believes that clear and enforceable working hour limits are required to ensure that the impact of personal fatigue is minimized.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on December 1, 1999 (65 FR 67202). The comment period closed on February 14, 2000. This petition is scheduled to be addressed through rulemaking, "Modifications to Fitness-for-Duty Rule Program" (RIN 3150-AF12). The proposed rule was provided to the Commission via SECY-05-0074, dated April 28, 2005. The NRC published the proposed rule in the Federal Register on August 26, 2005; 70 FR 50442, for a 120-day comment period that ended December 27, 2005. Following

consideration of public comments, the staff revised several rule provisions and provided the final rule package to the Commission via SECY-06-0244, dated December 22, 2006. On April 17, 2007, the Commission approved, with limited changes the proposed amendment to 10 CFR Part 26 , Fitness-for-Duty Programs. Currently, the rule is being reviewed by the Office of Management and Budget. The staff currently anticipates publication of the final rule in May 2008. The implementation period for the fatigue management requirements will be 18 months beginning the date of publication in the Federal Register.

**Agency Contact:** Kamishan O. Martin, Office of Nuclear Reactor Regulation,  
(301) 415-3469, e-mail kom2@nrc.gov

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## **(C) Petitions Incorporated Into Unpublished Rules**

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**10. Petitioner/Petition Docket Number:** North Carolina Public Staff Utility Commission (PRM-50-57)

**Federal Register Citation:** January 17, 1992 (57 FR 2059)

**Subject:** Reducing or eliminating insurance requirements at decommissioned nuclear power plants

**Summary:** The petitioner requested that the Commission amend its regulations to substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shut down and are awaiting decommissioning, and all the nuclear fuel has been removed from the reactor site.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on January 17, 1992 (57 FR 2059). The public comment period closed on March 17, 1992. The petition is scheduled to be addressed by rulemaking. On March 15, 2007, and June 14, 2007, the staff requested the petitioner's input as to how to handle the petition. Completion of the rulemaking plan is undetermined.

**Agency Contact:** Ira P. Dinitz, Office of Nuclear Reactor Regulation,  
(301) 415-1289, e-mail ipd1@nrc.gov

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**11. Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-50-75)

**Federal Register Citation:** April 8, 2002 (67 FR 16654)

**Subject:** ECCS Models: Alternate maximum break size

**Summary:** The petitioner requested that the Commission amend its Emergency Core Cooling System (ECCS) regulations to allow the use of an alternative maximum pipe break size for the largest pipe in the reactor coolant system in ECCS evaluation models for Light-Water Nuclear Power Reactors.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on April 8, 2002 (67 FR 16654). The public comment period closed on June 24, 2002. The staff is working to complete action documenting the resolution of the petition in conjunction with completing the rulemaking on redefinition of the large break loss-of-coolant accident (RIN 3150-AH29). A draft final rule was provided to the ACRS on October 16, 2006. After reviewing the draft, the ACRS recommended that the staff not issue the final rule in its current form. The staff is now working to address the policy and technical recommendations made by the ACRS. A new rulemaking schedule will be completed by March 2008.

**Agency Contact:** Richard F. Dudley, Office of Nuclear Reactor Regulation,  
(301) 415-1116, e-mail rfd@nrc.gov

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**12. Petitioner/Petition Docket Number:** Union of Concerned Scientists and Mothers for Peace (PRM-50-80)

**Federal Register Citation:** June 16, 2003 (68 FR 35585)

**Subject:** Security regulations and implementation procedures for nuclear power plant reactors and their spent fuel

**Summary:** The petitioner requested that the Commission amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased, and to require licensees to formally evaluate specified intentional or accidental aerial hazards and make necessary changes to ensure that the plant can reach and maintain safe shutdown.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on June 16, 2003 (68 FR 35585). The public comment period closed on September 2, 2003. On March 28, 2005, the staff submitted SECY-05-0048 to the Commission. On June 28, 2005, the Commission issued a Staff Requirements Memorandum directing the staff to pursue rulemaking to amend the regulations. On October 27, 2005, in SRM-SECY-05-0048 Supplemental Amendment, the Commission directed the staff to issue a Federal Register notice that the NRC is considering rulemaking for the safety security interface issue and intends to address the aerial assault issue when the NRC responds to comments on its proposed Design Basis Threat (DBT) rule. A document complying with the SRM was published in the Federal Register on November 17, 2005 (70 FR 69690). The proposed rule for the DBT was published in the Federal Register on November 7, 2005 (70 FR 67380). The staff combined the safety/security interface portion of rulemaking for PRM-50-80 into the ongoing security rulemaking for Part 73.

The NRC considered PRM-50-80 along with PRM-73-12 during review of stakeholder comments on the DBT proposed rule. The Commission directed that certain improvements should be made to existing plants to better respond to large fires and explosions. However, the NRC determined that existing reactors should not be required to perform plant-specific analysis regarding response to an aerial assault.

A letter dated August 30, 2007, was provided to the petitioner stating that PRM-50-80 is being granted in part. The commission has granted the request for rulemaking regarding requiring a licensee to consider the potential for plant changes to cause a decrease in protection against radiological sabotage (proposed rule published October 26, 2006; 71 FR 62663). The Commission has denied that portion of PRM-50-80- dealing with aerial attack for the reasons stated in the Design Basis Rulemaking (March 19, 2007; 72 FR 12705).

**Agency Contact:** Lauren Quiñones-Navarro, Office of Nuclear Reactor Regulation,  
(301) 415-2007, e-mail [lnq@nrc.gov](mailto:lnq@nrc.gov)

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**13. Petitioner/Petition Docket Number:** New England Coalition on Nuclear Pollution (PRM-51-1)

**Federal Register Citation:** January 16, 1976 (41 FR 2448)

**Subject:** Amendments to Table S-3 in 10 CFR Part 51

**Summary:** The petitioner requested that the Commission amend its regulations to “Table S-3 - Summary of Environmental Considerations for Uranium Fuel Cycle” [Uranium Fuel Cycle Environmental Data -Table S-3].

**Timetable:** A notice of receipt for this petition was published in the Federal Register on January 16, 1976 (41 FR 2448). The public comment period closed on March 16, 1976. The Commission closed three issues by denial in a Federal Register notice published on April 14, 1978 (43 FR 15613). Action on the remaining issue is under review.

**Agency Contact:** Stewart Schneider, Office of Nuclear Reactor Regulation,  
(301) 415-4123, e-mail [sxs4@nrc.gov](mailto:sxs4@nrc.gov)

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**(D) Petitions Pending Staff Review**

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**14. Petitioner/Petition Docket Number:** State of Nevada\* (PRM-2-14)

**Federal Register Citation:** August 29, 2007 (72 FR 49668)

**Subject:** Specify Issues for the Yucca Mountain Mandatory Hearing

**Summary:** The petitioner requested that the Commission amend its regulations governing rules of practice in hearings by specifying the issues to be heard in this “mandatory” hearing. The petitioner believes an amendment is necessary because NRC's rules of practice currently only specify issues to be heard in mandatory hearings on nuclear reactor construction permits.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on August 29, 2007 (72 FR 49668). The public comment period closed on November 13, 2007. Resolution of the petition is scheduled for August 2008.

**Agency Contact:** Jerry Bonanno, Office of the General Counsel,  
(301) 415-1328, e-mail [jxb5@nrc.gov](mailto:jxb5@nrc.gov)

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**15. Petitioner/Petition Docket Number:** James Salsman (PRM-20-26)

**Federal Register Citation:** June 15, 2005 (70 FR 34699)

**Subject:** Heavy metal toxicity

**Summary:** The petitioner requested that the Commission amend its regulations to modify exposure and environmental limits of heavy metal exposure.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on June 15, 2005 (70 FR 34699). The public comment period closed on August 29, 2005. Resolution of the petition is anticipated in 2008.

**Agency Contact:** Frank P. Cardile, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-6185, e-mail [fpc@nrc.gov](mailto:fpc@nrc.gov)

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**16. Petitioner/Petition Docket Number:** Organization of Agreement States (PRM-31-05)

**Federal Register Citation:** December 20, 2005 (70 FR 75423)

**Subject:** Byproduct material; domestic licensing; Industrial devices

**Summary:** The petitioner is requesting that the NRC amend its regulations to require specific licensing for devices that are currently regulated by a combination of general licensing and registration, and to revise the compatibility category for 10 CFR 31.6 from “B” to “C”

**Timetable:** A notice of receipt was published in the Federal Register on December 20, 2005 (70 FR 75423). The public comment closed March 6, 2006. Resolution of the petition is scheduled for April 2008.

**Agency Contact:** Osiris Siurano-Perez, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-0664, e-mail osp@nrc.gov

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**17. Petitioner/Petition Docket Number:** Organization of Agreement States (PRM-34-06)

**Federal Register Citation:** December 28, 2005 (70 FR 76724)

**Subject:** Radiation safety training before using sources of radiation for industrial radiography

**Summary:** The petitioner requested that the Commission amend its regulations to require that an individual receive at least 40 hours of radiation safety training prior to using sources of radiation for industrial radiography. The petitioner also requested amendment to regulations regarding requirements for at least two qualified individuals to be present at temporary job sites, and the regulations regarding high radiation area surveillance requirements.

**Timetable:** A notice of receipt was published in the Federal Register on December 28, 2005 (70 FR 76724). The public comment closed on March 13, 2006. Resolution of the petition is scheduled for April 2008.

**Agency Contact:** Thomas F. Young, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-5795, e-mail tfy@nrc.gov

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**18. Petitioner/Petition Docket Number:** Peter G. Crane (PRM-35-18)

**Federal Register Citation:** December 21, 2005 (70 FR 75752)

**Subject:** Partial revocation of patient release rule in 10 CFR 35.75 for patients treated with radiopharmaceuticals.

**Summary:** The petitioner requested that the Commission amend the regulation that governs medical use of byproduct material concerning release of individuals who have been treated with radiopharmaceuticals. The petitioner believes the regulation is defective on legal and policy grounds. The petitioner requests that the patient release rule be partially revoked to not allow patients to be released from radioactive isolation with more than the equivalent of 30 millicuries of radioactive iodine-131 in their bodies

**Timetable:** A notice of receipt for this petition was published in the Federal Register on December 21, 2005 (70 FR 75752). The public comment period closed on March 6, 2006. Resolution of the petition is scheduled for March 2008.

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**Agency Contact:** Neelam Bhalla, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6843, e-mail [nxb@nrc.gov](mailto:nxb@nrc.gov)

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**19. Petitioner/Petition Docket Number:** E. Russell Ritenour, Ph.D., American Association of Physicists in Medicine (PRM-35-20)

**Federal Register Citation:** November 1, 2006 (71 FR 64168)

**Subject:** Medical use of byproduct material; revision of the “grandfather” provision

**Summary:** The petitioner requested that the Commission amend its regulations governing medical use of byproduct material to revise what it calls the “grandfather” provision to recognize individual diplomates of certifying boards that were previously named in these regulations before October 25, 2005.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on November 1, 2006 (71 FR 64168). The public comment period closed on January 16, 2007. The Petition Review Board met on December 4, 2007, and agreed with the staff’s recommendation to consider the petition through rulemaking. Resolution of this petition is scheduled for March 2008.

**Agency Contact:** Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-0253, e-mail [eml1@nrc.gov](mailto:eml1@nrc.gov)

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**20. Petitioner/Petition Docket Number:** State of Colorado and Organization of Agreement States (PRM-40-27)

**Federal Register Citation:** July 7, 1999 (64 FR 36615)

**Subject:** Exemption for source material general licensees

**Summary:** The petitioner requested that the Commission amend its regulations to restrict the exemption in § 40.22(b) for source material general licensees from the radiation protection and worker notification requirements in 10 CFR Parts 19 and 20. Current NRC regulations exempt source material general licensees from the requirements that specify standards of protection against radiation and notification of individuals who participate in licensed activities. The petitioner believes that no basis exists for exempting these licensees from compliance with radiation safety standards if a licensee can exceed currently specified dose limits, create areas where individuals may be exposed to radiation, or dispose of radioactive waste in a manner that is not permitted for other licensees.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on July 7, 1999 (64 FR 36615). The public comment period closed on September 20, 1999. Resolution of the petition is undetermined.

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**Agency Contact:** Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,  
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**21. Petitioner/Petition Docket Number:** Westinghouse Electric Company (PRM-50-69)

**Federal Register Citation:** February 8, 2000 (65 FR 6044)

**Subject:** Reactor vessel head closure flange requirements

**Summary:** The petitioner requested that the Commission amend its regulations governing pressure and temperature limits for the reactor pressure vessel to eliminate requirements for the metal temperature of the closure head flange and vessel flange regions. The petitioner believes the elimination of the flange requirement has no impact on boiling-water reactors and could improve plant safety in pressurized-water reactors.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on February 8, 2000 (65 FR 6044). The public comment period closed on April 24, 2000. The staff is working to complete action documenting the resolution of the petition. Resolution of this petition will be achieved with the proposed rulemaking to modify 10 CFR Part 50, Appendix C.

**Agency Contact:** Carolyn J. Fairbanks, Office of Nuclear Reactor Regulation,  
(301) 415-6719, e-mail cxf1@nrc.gov

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**22. Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-50-71)

**Federal Register Citation:** May 31, 2000 (65 FR 34599)

**Subject:** Alternate cladding material

**Summary:** The petitioner requested that the Commission amend its regulations to allow nuclear power plant licensees to use zirconium-based cladding materials other than Zircaloy or ZIRLO, provided the cladding materials meet the requirements for fuel cladding performance and have received approval by the NRC staff. The petitioner believes the proposed amendment would improve the efficiency of the regulatory process by eliminating the need for individual licensees to obtain exemptions to use advanced cladding materials that have already been approved by the NRC.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on May 31, 2000 (65 FR 34599). The public comment period closed on August 14, 2000. The staff is working to complete action documenting the resolution of the petition in conjunction with the rulemaking on performance-based ECCS acceptance criteria (RIN 3150-AH42). The technical basis for initiating rulemaking is expected to be completed in CY 2008.

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**Agency Contact:** Richard F. Dudley, Office of Nuclear Reactor Regulation,  
(301) 415-1116, e-mail rfd@nrc.gov

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**23. Petitioner/Petition Docket Number:** Performance Technology (PRM-50-77)

**Federal Register Citation:** June 13, 2002 (67 FR 40622)

**Subject:** Short-term equipment response times of emergency diesel generators

**Summary:** The petitioner requested that the Commission amend its regulations to increase short-term equipment response times of emergency diesel generators that it believes are inappropriate and detrimental to safety. The petitioner requested that the NRC increase emergency diesel generator start times, enhance operator training, and delete the requirement that offsite electrical power is assumed disconnected from the nuclear unit switchyard during postulated accidents. The petitioner believes that its proposed amendments would increase safety at licensed nuclear facilities.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on June 13, 2002 (67 FR 40622). The public comment period closed on August 27, 2002. The staff is working to complete action documenting the resolution of the petition in conjunction with the rulemaking for decoupling the assumed loss of offsite power from loss-of-coolant accident analyses (RIN 3150-AH43). Since the technical basis for this rulemaking has not yet been developed, this petition will not be completed for several years.

**Agency Contact:** Richard F. Dudley, Office of Nuclear Reactor Regulation,  
(301) 415-1116, e-mail rfd@nrc.gov

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**24. Petitioner/Petition Docket Number:** Project on Government Oversight and Union of  
Concerned Scientists (PRM-50-83)

**Federal Register Citation:** March 29, 2007 (72 FR 14713)

**Subject:** Security regulations

**Summary:** The petitioners request that the NRC amend its regulations to require periodic demonstrations by applicable local, State and Federal entities to ensure that nuclear power plants can be adequately protected against radiological sabotage greater than the design basis threat.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on March 29, 2007 (72 FR 14713). The public comment period closed on June 12, 2007. Resolution of the petition is scheduled for March 2008.

**Agency Contact:** Harry S. Tovmassian, Office of Nuclear Reactor Regulation,  
(301) 415-3092, e-mail hst@nrc.gov

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**25. Petitioner/Petition Docket Number:** Mark Edward Leyse (PRM-50-84)

**Federal Register Citation:** May 23, 2007 (72 FR 28902)

**Subject:** New regulations needed for reactor-operation parameters, uranium-oxide and mixed-oxide fuel and cladding

**Summary:** The petitioner requests that the NRC amend the regulations that govern domestic licensing of production and utilization facilities to require that nuclear power facilities be operated to limit the thickness of crud (corrosion products) layers and/or the thickness of oxide layers on fuel rod cladding surfaces.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on May 23, 2007 (72 FR 28902). The public comment period closes on August 6, 2007. Resolution of the petition is scheduled for May 2008.

**Agency Contact:** Richard F. Dudley, Office of Nuclear Reactor Regulation,  
(301) 415-1116, e-mail [rfd@nrc.gov](mailto:rfd@nrc.gov)

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**26. Petitioner/Petition Docket Number:** Eric Epstein, Three Mile Island Alert, Inc.\*  
(PRM-50-85)

**Federal Register Citation:** July 10, 2007 (72 FR 37626)

**Subject:** Emergency preparedness

**Summary:** The petitioner requested that the Commission amend its regulations regarding emergency preparedness to require that all host school pick-up centers be at a minimum distance of five to ten miles beyond the radiation plume exposure boundary zone to ensure that all school children are protected in the event of a radiological emergency.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on July 10, 2007 (72 FR 37626). The public comment period closed on September 24, 2007. Resolution of the petition is scheduled for August 2008.

**Agency Contact:** Harry Tovmassian, Office of Nuclear Reactor Regulation,  
(301) 415-3092, e-mail [hst@nrc.gov](mailto:hst@nrc.gov)

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**27. Petitioner/Petition Docket Number:** Raymond A. Crandall\* (PRM-50-87)

**Federal Register Citation:** July 12, 2007 (72 FR 38030)

**Subject:** Radiological doses for control habitability at nuclear power plants

**Summary:** The petitioner requested that the Commission amend the regulations that govern domestic licensing of production and utilization facilities to eliminate the specific criteria related to the radiological doses for control habitability at nuclear power plants. The petitioner believes that the current deterministic radiological dose requirements for control room habitability have resulted in several negative safety consequences, including an increased risk to public safety.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on July 12, 2007 (72 FR 38030). The public comment period closed on September 25, 2007. Resolution of the petition is scheduled for July 2008.

**Agency Contact:** Veronica M. Rodriguez, Office of Nuclear Reactor Regulation,  
(301) 415-3703, e-mail [vmr1@nrc.gov](mailto:vmr1@nrc.gov)

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**28. Petitioner/Petition Docket Number:** Joseph R. Egan, State of Nevada (PRM-51-09)

**Federal Register Citation:** August 12, 2005 (70 FR 47148)

**Subject:** Adoption of an environmental impact statement prepared by the Secretary of Energy

**Summary:** The petitioner requested that the Commission amend its regulations that govern the adoption of an environmental impact statement prepared by the Secretary of Energy in proceedings for issuance of a construction authorization or materials license with respect to a geological repository. The petitioner believes that the current regulations, as written, violate the National Environmental Policy Act of 1969 (NEPA), as amended, the Nuclear Waste Policy Act of 1982 (NWPA), as amended, and a recent court of appeals decision.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on August 12, 2005 (70 FR 47148). The public comment period closed. Resolution of the petition is undetermined.

**Agency Contact:** Jerry Bonanno, Office of the General Counsel,  
(301) 415-1328, e-mail [jxb5@nrc.gov](mailto:jxb5@nrc.gov)

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**29. Petitioner/Petition Docket Number:** Massachusetts Attorney General (PRM-51-10)

**Federal Register Citation:** November 1, 2006 (71 FR 64169)

**Subject:** Environmental impacts of spent fuel storage

**Summary:** The petitioner requested that the Commission revoke certain regulations in their entirety, and revoke other regulations to the extent that these regulations, in the petitioner's view, state, imply, or assume that the environmental impacts of storing spent nuclear fuel in high-density pools are not significant; issue a generic determination to clarify that the environmental impacts of high-density pool storage of spent fuel, will be considered significant; and require that any NRC licensing decision concerning high-density pool storage of spent nuclear fuel be accompanied by an

environmental impact statement that addresses the environmental impacts of this storage and alternatives for avoiding or mitigating any environmental impacts. The petitioner is seeking the generic treatment of spent fuel pool hazards because he believes that a pool accident at any operating nuclear power plant in the New England and Mid-Atlantic states could significantly affect the health, environmental, and economic well-being of Massachusetts.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on November 1, 2006 (71 FR 64169). The public comment period closed on January 16, 2007. Extension of comment period published in the Federal Register on January 19, 2007 (72 FR 2464). The public comment period closed on March 19, 2007. Resolution of the petition is expected April 2008.

**Agency Contact:** L. Mark Padovan, Office of Nuclear Reactor Regulation,  
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**30. Petitioner/Petition Docket Number:** California Attorney General (PRM-51-12)

**Federal Register Citation:** May 14, 2007 (72 FR 27068)

**Subject:** Environmental impacts of spent fuel storage

**Summary:** The petitioner requests that NRC rescind its regulations that declare the potential environmental effects of the approval, construction, and operation of high-density pool storage of spent nuclear fuel are not and cannot be significant for purposes of the National Environmental Policy Act (NEPA) and NEPA analysis; adopt and issue a generic determination that approval of such storage at a nuclear power plant or any other facility does constitute a major Federal action that may have a significant effect on the human environment; and order that no NRC licensing decision that approves high-density pool storage of spent nuclear fuel at a nuclear power plant or other storage facility may issue without the prior adoption and certification of an environmental impact statement (EIS) that complies with NEPA in all respects, including full identification, analysis, and disclosure of the potential environmental effects of such storage, including the potential for accidental or deliberately caused release of radioactive products to the environment, whether by accident or through acts of terrorism, as well as full and adequate discussion of potential mitigation for such effects, and full discussion of an adequate array or alternatives to the proposed storage project.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on May 14, 2007 (72 FR 27068). The public comment period closed on July 30, 2007. Resolution of the petition is expected May 2008.

**Agency Contact:** L. Mark Padovan, Office of Nuclear Reactor Regulation,  
(301) 415-1423, e-mail [Imp@nrc.gov](mailto:Imp@nrc.gov)

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**31. Petitioner/Petition Docket Number:** Christine O. Gregoire, Governor of the State of Washington (PRM-71-13)

**Federal Register Citation:** April 27, 2007 (72 FR 20962)

**Subject::** Transportation requirements

**Summary:** The petitioner requests that the NRC adopt the use of global positioning satellite (GPS) tracking as a national requirement for mobile or portable uses of highly radioactive sources.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on April 27, 2007 (72 FR 20962). The public comment period closed on July 11, 2007. Resolution of the petition is scheduled for April 2008.

**Agency Contact:** Osiris Siurano-Perez, Office of Federal and State Materials and Environmental Management Programs,  
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**32. Petitioner/Petition Docket Number:** State of Nevada (PRM-73-10)

**Federal Register Citation:** September 13, 1999 (64 FR 49410)

**Subject:** Safeguards for shipments of spent nuclear fuel against sabotage and terrorism

**Summary:** The petitioner requested that the Commission conduct a comprehensive assessment of the consequences of terrorist attacks that have the capability of radiological sabotage, including attacks against transportation infrastructure used during nuclear waste shipments, attacks involving capture of nuclear waste shipments and use of high-energy explosives against a cask or casks, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on September 13, 1999 (64 FR 49410). The public comment period closed on January 28, 2000. In light of the September 11, 2001, terrorist attack on the United States, the Commission directed the staff to reevaluate NRC's safeguards and physical security programs for licensed facilities and activities, including transportation of spent nuclear fuel and high level waste. Any revision to NRC's regulations and guidance will be based on that review. Resolution of the petition is undetermined.

**Agency Contact:** Naiem Taniou, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6103, e-mail nst@nrc.gov

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**33. Petitioner/Petition Docket Number:** Three Mile Island Alert (PRM-73-11)

**Federal Register Citation:** November 2, 2001 (66 FR 55603)

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**Subject:** Post at least one armed guard at each entrance to the “owner controlled areas” surrounding all U.S. nuclear power plants

**Summary:** The petitioner requested that the Commission amend its regulations governing the physical protection of plants and materials to require NRC licensees to post at least one armed guard at each entrance to the “owner controlled areas” surrounding all U.S. nuclear power plants by adding armed site protection officers to the security forces.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on November 2, 2001 (66 FR 55603). The public comment period closed on January 16, 2002. This petition is being resolved as part of the Power Reactor Security Requirements rulemaking (RIN 3150-AG63). Resolution of the petition is undetermined.

**Agency Contact:** Timothy Reed, Office of Nuclear Reactor Regulation,  
(301) 415-1462, e-mail tar@nrc.gov

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**34. Petitioner/Petition Docket Number:** Union of Concern Scientists (PRM-73-13)

**Federal Register Citation:** April 9, 2007 (72 FR 17440)

**Subject:** Security regulations

**Summary:** The petitioner requests that the NRC amend its regulations to close a loophole in current regulations that would enable persons who do not meet trustworthiness and reliability standards for unescorted access to protected areas of nuclear power plants to enter protected areas with an unarmed escort. The petitioner believes that current regulations create a security vulnerability that could potentially compromise public health and safety.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on April 9, 2007 (72 FR 17440). The public comment period closed on June 25, 2007. Resolution of the petition is undetermined.

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